

PARNELL COLVIN
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NO: 23-15080
D.C. NO: 2: 22-CV-01928
SHORT TITLE : PARNELL COLVIN V. TAKO LLC

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FEB 21 2023

FILED
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INITIAL

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

23-15080

PARNELL COLVIN,

MOTION TO EXTEND FILING

Appellant.

OPENING BRIEF

Vs.

TAKO LLC,

Appellee.

Come now Appellant Parnell Colvin and requesting this honorable court to grant him an extension of time to file his opening brief due Feb 28, 2023 . Colvin has been dealing with a National Labor Relations Board trial that has been filed since 2018. The trial proceedings stated on or about November 7, 2022 with several trial restarts it started again February 7, 2023. The proceedings continue as such Colvin is requesting time to file his opening brief. The case number is NLRB 28-239339, et al.

(1)

Colvin also has a federal case set for trial in the United States District Court District Of Nevada Case No: 2:20-cv-01765-APG-EJY. The pretrial order has proposed trial dates March 20-28, 2023 and March 27-April 4, 2023. Colvin is requesting an extension to file his opening brief by May 28, 2023. The time is needed to complete the current two trials and then focus on this case. Colvin will need to get transcripts and prepare his brief.

Colvins request is not for any purpose of delaying the court proceedings; the request is being made for just cause to have adequate time to file his opening brief. Thanking the court for its consideration in this very important matter.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been mail to the following appelle at the following address by placing a true copy of motion in the US Mail Box at the United States Postal Service to :

TAKO LLC
2211 Taragato Ave
Henderson, NV 89052

DATED THIS 16th day of February ,2023



PARNELL COLVIN

(3)

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

LABORERS INTERNATIONAL UNION OF
NORTH AMERICA LOCAL 872, AFL-CIO
(Various Employers, including the Employer-Members
of Nevada Contractors Association / Associated General
Contractors Association)

and

Cases 28-CB-239339
28-CB-291889

PARNELL COLVIN, an Individual

and

Case 28-CB-292114

RICHARD VELA, an Individual

**COUNSEL FOR GENERAL COUNSEL'S POSITION REGARDING
ENFORCEMENT OF SUBPOENAS DUCES TECUM B-1-1H34TCZ AND
B-1-1H3502N ISSUED TO CHARGING PARTY PARNELL COLVIN**

On February 8, 2023, Administrative Law Judge Mara-Louise Anzalone (the ALJ), directed Counsel for the General Counsel (CGC) and set a February 15, 2023, deadline by which to file a response to Respondent's request to enforce Subpoenas Duces Tecum B-1-1H34TCZ and B-1-1H3502N (the Subpoenas) served upon Charging Party Parnell Colvin (Colvin). Accordingly, CGC files the present position statement to notify the ALJ that CGC will be seeking enforcement of the Subpoenas served on Colvin.

Dated at Phoenix, Arizona this 15th day of February 2023.

Respectfully submitted,

/s/ Néstor Zárate

Néstor Zárate Mancilla
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CERTIFICATE OF SERVICE

I hereby certify that a copy of **COUNSEL FOR THE GENERAL COUNSEL'S POSITION REGARDING ENFORCEMENT OF SUBPOENAS DUCES TECUM B-1-1H34TCZ AND B-1-1H3502N ISSUED TO CHARGING PARTY PARSELL COLVIN** in *LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL 872, AFL-CIO (Various Employers, including the Employer-Members of Nevada Contractors Association / Associated General Contractors Association)*, Cases 28-CB-239339, et al., was served by E-Gov, E-Filing, and E-mail on this 15th day of February 2023, on the following:

Via E-Gov & E-Filing:

Honorable Mara-Louise Anzalone
Administrative Law Judge
National Labor Relations Board
901 Market Street, Suite 300
San Francisco, CA 94103-1779

Via Email:

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/s/ Néstor Zárate

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8 Office@danielmarks.net
9 *Attorneys for Plaintiff*

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11 UNITED STATES DISTRICT COURT

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13 DISTRICT OF NEVADA

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15 PARNELL COLVIN,

16 Case No. 2:20-cv-01765-APG-EJY

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18 Plaintiff,

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20 v.

21 **JOINT PRETRIAL ORDER**

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23 M.J. DEAN CONSTRUCTION, INC.,

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25 Defendant,

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28 After pretrial proceedings in this case,

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30 IT IS SO ORDERED:

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32 **I. NATURE OF THE CASE AND RELIEF SOUGHT**

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34 [State nature of action, relief sought, identification and contentions of parties.]

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36 **Plaintiff's Statement**

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38 This is a race-based employment discrimination action. Plaintiff Parnell Colvin is black.

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40 His legal claims of (1) retaliation, (2) discrimination regarding overtime opportunities, (3)

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42 harassment, and (4) negligent training and supervision will be heard at trial. He seeks lost wages

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44 and compensatory damages for pain and suffering, including humiliation, embarrassment, and

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46 emotional distress relative to the above legal claims for relief. He also seeks an award of

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48 attorneys fees and costs.

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1 witnesses in its Motion for Summary Judgment for the sole purpose of impeaching Plaintiff's
2 newly proffered evidence, which was in compliance with Rule 26(a)(1)(A)(i) of the Federal
3 Rules of Civil Procedure. (Doc. 52.) This Court's Order regarding the competing Motions for
4 Summary Judgment denied the Motion to Exclude as moot. (Doc. 55.)

5 **IX. PROPOSED TRIAL DATES**

6 1. March 20-28, 2023
7 2. March 27- April 4, 2023

8 **X. PROPOSED LENGTH OF TRIAL**

9 Seven (7) full judicial days

10

11 DATED this 23rd day of September, 2022.

12 LAW OFFICE OF DANIEL MARKS

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/s/ Nicole M. Young
DANIEL MARKS, ESQ.
Nevada Bar No. 002003
NICOLE M. YOUNG, ESQ.
Nevada State Bar No. 12659
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Las Vegas, Nevada 89101
Attorneys for Plaintiff

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DATED this 23rd day of September, 2022.

HOWARD & HOWARD

/s/ Robert Rosenthal
ROBERT ROSENTHAL, ESQ.
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